IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST.NO.26371 OF 2004

Om Sai Builders. ..Appellant.

V/s.

Vasant Waman Pradhan. ..Respondent.

Mr.P.S.Dani for applicant.

Mr.K.Y.Mandlik for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 20, 2006.

P.C. :

1. Heard alongwith the Civil Application No.1217 of 2004. In view of the order passed in Civil application No.1217 of 2004, this appeal is taken on board forthwith for admission by consent.

2. After considering rival submissions and going through the record, I see no reason to depart from the opinion expressed by the lower court in rejecting the application for appointment of court receiver filed by the appellant. The court below has rightly noted that the only apprehension of the appellant was that the respondent would alienate suit property. The Court has then observed that if this is the nature of apprehension, the appellant would be free

to apply for injunction, if so advised.

3. I am informed across the bar that no injunction has been granted so far nor the appellant applied for such relief. In the circumstances, this appeal should fail. Hence dismissed.